

2011 DRAFTING REQUEST

Bill

Received: **04/01/2011**

Received By: **btradewe**

Wanted: **As time permits**

Companion to LRB:

For: **Mark Honadel (608) 266-0610**

By/Representing: **Jason Vick**

May Contact:

Drafter: **btradewe**

Subject: **Environment - recycling**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Honadel@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Sale and return of lead acid batteries

Instructions:

Like 2009 SB 700

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	btradewe 04/02/2011	edt_sbasford 04/11/2011		_____			
/1			rschluet 04/11/2011	_____	ggodwin 04/11/2011	ggodwin 09/12/2011	

FE Sent For:

<END>

↳ Not Needed

2011 DRAFTING REQUEST

Bill

Received: **04/01/2011**

Received By: **btradewe**

Wanted: **As time permits**

Companion to LRB:

For: **Mark Honadel (608) 266-0610**

By/Representing: **Jason Vick**

May Contact:

Drafter: **btradewe**

Subject: **Environment - recycling**

Addl. Drafters:

Extra Copies:

Submit via email: **YES**

Requester's email: **Rep.Honadel@legis.wisconsin.gov**

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given

Topic:

Sale and return of lead acid batteries

Instructions:

Like 2009 SB 700

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	btradewe 04/02/2011	edt_sbasford 04/11/2011		_____			
/1			rschluet 04/11/2011	_____	ggodwin 04/11/2011		

FE Sent For:

<END>

2011 DRAFTING REQUEST

Bill

Received: 04/01/2011

Received By: btradewe

Wanted: As time permits

Companion to LRB:

For: Mark Honadel (608) 266-0610

By/Representing: Jason Vick

May Contact:

Drafter: btradewe

Subject: Environment - recycling

Addl. Drafters:

Extra Copies:

Submit via email: YES

Requester's email: Rep.Honadel@legis.wisconsin.gov

Carbon copy (CC:) to:

Pre Topic:

No specific pre topic given


Topic:

Sale and return of lead acid batteries

Instructions:

Like 2009 SB 700

Drafting History:

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Typed</u>	<u>Proofed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
1/?	btradewe	1 SBB 4/4		_____			
FE Sent For:		1 4/11 jld					

<END>

Tradewell, Becky

From: Vick, Jason
Sent: Friday, April 01, 2011 3:08 PM
To: Tradewell, Becky
Subject: Draft request: lead acid batteries

Rebecca,

Rep. Honadel would like to request a redraft of a draft you did on 2009 LRB 4587/1, regarding the sale of lead acid batteries and acceptance of used lead acid batteries.

Thanks,

Jason Vick

Office of Rep. Mark Honadel
21st Assembly District
608-266-0611



State of Wisconsin
2009 - 2010 LEGISLATURE

IN 3/2

1824/1
LRB-4587/1
RCT:bjk:md
SLB + JLD
rmnr

LPS-
PWF
please

2009 SENATE BILL 700

April 20, 2010 - Introduced by Senators PLALE and KANAVAS, cosponsored by Representative ZEPNICK. Referred to Committee on Environment.

✓

ReGen

- 1 AN ACT *to amend* 287.18 (1) (c), 287.18 (1m) (a) (intro.), 287.18 (1m) (a) 3., 287.18
2 (1m) (b), 287.18 (2), 287.18 (3) (a) (intro.), 287.18 (3) (a) 3., 287.18 (3) (b), 287.18
3 (4) and 287.18 (5); and *to create* 287.18 (1) (bm) of the statutes; **relating to:**
4 the sale of lead acid batteries and acceptance of used lead acid batteries. ✓

Analysis by the Legislative Reference Bureau

Current law prohibits a person from disposing of a lead acid battery, including a motor vehicle battery, by placing it in a landfill or incinerating it. Current law requires anyone who sells a lead acid battery to a person who will use the battery (a consumer) and who installs the battery to accept the consumer's used battery. Current law also requires a person who sells a lead acid battery to a consumer without installing the battery to offer to take the used battery in trade. The law prohibits a person from charging a consumer a deposit of more than \$5 on the sale of a lead acid battery.

This bill requires a person who sells a lead acid battery to a consumer to charge a deposit of not less than \$5. The bill also changes terminology in the law relating to the sale of lead acid batteries and defines the term "deposit" for the purposes of that law.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SENATE BILL 700

SECTION 1

1 **SECTION 1.** 287.18 (1) (bm) of the statutes is created to read:

2 287.18 (1) (bm) "Deposit" means an amount charged, upon the sale of an item,
3 that is refunded when the item, or another item of the same kind, is relinquished to
4 the person who sold the item. "Deposit" includes a core charge.

5 **SECTION 2.** 287.18 (1) (c) of the statutes is amended to read:

6 287.18 (1) (c) "~~Retailer~~" "Seller" means a person who sells batteries to
7 consumers.

8 **SECTION 3.** 287.18 (1m) (a) (intro.) of the statutes is amended to read:

9 287.18 (1m) (a) (intro.) The department shall provide a notice concerning the
10 disposal of batteries to all ^{plain}~~retailers~~ sellers. The notice shall be 8.5 inches by 11 inches
11 and all notices shall be of the same color, typeface, and type size. The notice shall
12 include all of the following information:

13 **SECTION 4.** 287.18 (1m) (a) 3. of the statutes is amended to read:

14 287.18 (1m) (a) 3. That state law requires ~~retailers~~ sellers to accept used
15 batteries in trade and in some other instances.

16 **SECTION 5.** 287.18 (1m) (b) of the statutes is amended to read:

17 287.18 (1m) (b) A ~~retailer~~ seller shall post the notice provided under par. (a)
18 in a place where it can be seen by consumers.

19 **SECTION 6.** 287.18 (2) ^{(a) and (b)} of the statutes ^{are} amended to read:

20 287.18 (2) (SALE AND INSTALLATION.) (a) A ~~retailer~~ seller who sells a battery to
21 a consumer and installs the battery shall accept the used battery unless the
22 consumer refuses to relinquish the used battery.

23 (b) If the consumer refuses to relinquish the used battery under par. (a), the
24 ~~retailer~~ seller shall comply with sub. (3).

25 **SECTION 7.** 287.18 (3) (a) (intro.) of the statutes is amended to read:

SENATE BILL 700

1 287.18 (3) (a) (intro.) If a ~~retailer~~ seller[✓] sells a battery to a consumer without
2 installing the battery or if sub. (2) (b) applies, the ~~retailer~~ seller[✓] shall do all of the
3 following:

4 **SECTION 8.** 287.18 (3) (a) 3. of the statutes is amended to read:

5 287.18 (3) (a) 3. Subject to par. (b), accept the consumer's used battery in trade
6 for a new battery without charge or time limit, during normal business hours, at any
7 business location owned or operated by the ~~retailer~~ seller[✓].

8 **SECTION 9.** 287.18 (3) (b) of the statutes is amended to read:

9 287.18 (3) (b) A ~~retailer~~ seller[✓] accepting a used battery in trade under par. (a)
10 3. may require the consumer to provide proof that the consumer purchased a battery
11 from the ~~retailer~~ seller[✓].

12 **SECTION 10.** 287.18 (4) ^{(a) and (b)} of the statutes ^{are} is amended to read:

13 287.18 (4) ACCEPTANCE OF OTHER BATTERIES (a) Except as provided in par. (b),
14 if a person delivers to a ~~retailer~~ seller a used battery to which sub. (3) (a) 3. does not
15 apply, the ~~retailer~~ seller[✓] shall accept the used battery. A ~~retailer~~ seller[✓] may charge
16 up to \$3 for each battery delivered under this paragraph.

17 (b) A ~~retailer~~ seller[✓] is not required to accept more than 2 batteries delivered
18 under this subsection by a person on one day.

19 **SECTION 11.** 287.18 (5) of the statutes is amended to read:

20 287.18 (5) DEPOSIT. A ^{plain} ~~retailer~~ seller ~~may~~ shall charge a deposit of not more less
21 than \$5 on the sale of a battery. The ~~retailer~~ seller[✓] shall refund the deposit if the
22 consumer delivers the battery to the ~~retailer~~ seller[✓] under sub. (3) (a) 3.

23 (END)

Godwin, Gigi

From: Vick, Jason
Sent: Monday, September 12, 2011 2:03 PM
To: LRB.Legal
Subject: Draft Review: LRB 11-1824/1 Topic: Sale and return of lead acid batteries

Please Jacket LRB 11-1824/1 for the ASSEMBLY.